



Australian
National
University

3 September 2026

Dr Gordon de Brouwer AO PSM FIPAA
Chancellor

E: chancellor@anu.edu.au
Canberra 2600 ACT Australia
www.anu.edu.au
CRICOS Provider No. 00120C

Ms. Jasmina Joldić PSM
Deputy Secretary, Higher Education, Research and
International
Department of Education
By email: jasmina.joldic@education.gov.au

Dear Ms Joldić

Strengthening the *Australian National University Act 1991* Consultation Paper

The Australian National University (ANU) welcomes the opportunity to provide views on the legislative framework governing the University and on potential reforms to strengthen the *Australian National University Act 1991* (ANU Act).

As the national university, we recognise that effective governance is essential to maintaining the confidence of the Australian Government, as well as our staff, students, alumni, donors and collaborators (collectively, our community). The ANU Act should support a governance framework that promotes accountability, integrity, transparency and diversity, while fostering respect and safeguarding academic freedom.

The ANU Council is appalled and dismayed by the documented failures of administration and governance that have occurred over the past two years. It is unacceptable that events have led members of our community to lose trust in the University's governance. We acknowledge that those failures caused considerable hurt and distress and have contributed to the need to consider reforms to the ANU's governing framework.

We are committed to rebuilding trust and confidence in the University's governance and support legislative reforms that strengthen accountability. In parallel, the ANU has commenced a comprehensive governance reform program to strengthen transparency, accountability and Council effectiveness. Key initiatives include:

- Enhancing Council oversight, decision-making, reporting, accountability mechanisms, leadership performance, organisational culture, and governance capability, while establishing clear measures to monitor and sustain continuous improvement.
- Supporting Council Members to discharge their duties as officials effectively through appropriate induction and ongoing training and development.
- Strengthening the independence, integrity and transparency of the appointments processes for the Chancellor, Pro-Chancellor, Vice Chancellor and Deputy Vice-Chancellor.
- Strengthening integrity in leadership at the University, including through the effective disclosure and management of conflicts of interest.

Further details of these initiatives, and the broader reform program, are outlined in the enclosed submission. In addition to strengthening governance, the reform program set out in Attachment A includes best-practice strategic planning, financial and risk management, academic quality, and stronger oversight of organisational culture, including the wellbeing of staff and students. Together, they address the issues considered in the proposed legislative reforms.

We value the opportunity to continue working closely with the Government as these reforms progress, including as part of any future parliamentary inquiry process. We also propose sharing the outcomes and lessons from our governance reform program to help inform future evidence-based amendments to the ANU Act, including those proposed in this paper.

We look forward to contributing to a legislative framework that reflects contemporary governance best practice, is informed by evidence and practical experience, and supports the University's unique role and mission as Australia's national university.

I would like to thank you and your team for their constructive engagement with the Council and University Executive. I look forward to continuing this collaboration as the legislative reform process advances.

Yours sincerely



Dr Gordon de Brouwer AO PSM FIPAA
Chancellor

Enc. Australian National University submission to Strengthening the *Australian National University Act 1991* Consultation Paper – September 2026



Australian
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Strengthening the *Australian National University Act 1991*

ANU Response to the Department of
Education Consultation

3 September 2026

Response to Questions

1. How could the ANU Act better reinforce the role and responsibilities of the ANU Council?

The University supports amendments to the ANU Act that provide greater clarity regarding the role, responsibilities and expectations of Council members, including their responsibilities for stewardship, institutional culture, accountability and the effective governance of the University.

Many of these expectations are already reflected in the [Council Charter](#) (12.1), including Council members' obligations as officials under the PGPA Act and their responsibility to comply with the University's Code of Conduct. While the University supports clear expectations regarding the conduct of Council members, it considers these obligations are already appropriately established through existing governance instruments and should be reinforced through effective appointment, induction, training and accountability arrangements.

The University has committed to a range of governance reforms outlined in Attachment A that will further reinforce the role and responsibilities of Council in practice. These include enhanced induction and governance training for Council members, strengthened management of conflicts of interest, improved oversight of organisational culture, and improved reporting against strategic and cultural indicators. Together, these measures will support Council members to effectively discharge their responsibilities and provide a practical evidence base to inform future reforms to the ANU Act.

In appropriately providing more explicit focus on Council roles and responsibilities in the ANU Act, an appropriate balance should be maintained between legislative clarity and the University's ability to respond to evolving governance standards and community expectations through instruments such as the Council Charter, Statutes and Rules.

2. What changes to the ANU Act could ensure the ANU Council is focused on strategic leadership and stewardship of the university?

The University supports the inclusion of core Council functions relating to strategic leadership, oversight of institutional performance, academic governance, risk management and stewardship. Legislative recognition of these functions would provide greater clarity regarding Council's role and reinforce contemporary expectations of university governance.

Appropriate balance will need to be given in differentiating between the enabling legislation and the ability for the University to adapt and respond in a timely way to evolving national higher education governance standards and community expectations over time. The addition of core functions to the ANU Act as proposed by this question would deliver clarity on expectations and obligations of Council members. Further detail may be more appropriately captured within other legislative or administrative devices such as ANU statutes, rules or, as is current practice, the [Council Charter](#) (refer section 6).

The Governance and Council Strengthening Program outlined in Attachment A includes initiatives such as the development of a Council Skills Matrix, enhanced induction and governance training, improved reporting against strategic and cultural indicators, improved oversight of organisational culture, and clearer accountability for strategic initiatives. Together, these measures strengthen the Council's ability to provide effective strategic leadership and stewardship.

The outcomes and lessons from this work will provide a practical evidence base to inform future reforms to the ANU Act, helping to ensure the legislative framework reflects contemporary governance best practice and supports the University's unique role and mission as Australia's national university.

3. Do the proposed changes ensure the ANU Council is representative of the community and has the appropriate skills and experience to enable the ANU to fulfil its mission?

The University supports the proposed changes, many of which reflect governance practices already adopted by Council through the [Council Charter](#) and [Nominations Committee Charter](#). The commitments outlined in Attachment A will further strengthen these arrangements and support their effective implementation. Enshrining these measures in legislation would promote consistency, transparency and public confidence.

Consistent with the intent of the proposed amendments to achieve a more balanced composition of elected and appointed members, the Council has recently resolved to seek recommendations for appointments to five of the six current Ministerial vacancies.

In accordance with its Charter, the Nominations Committee considers the overall composition of Council when making recommendations to the Minister, with a focus on gender balance, diversity, Indigenous representation, tenure renewal, and the mix of skills and expertise required for effective governance.

These principles are reinforced through the Governance and Council Strengthening Program, including the development of a Council Skills Matrix and the identification of priority capabilities such as higher education governance, executive leadership and public sector experience.

The proposed amendments would also formalise existing practice whereby the Chair of ANU's Academic Board attends Council meetings as a non-voting member, ensuring academic perspectives inform Council deliberations.

Legislative reform in these areas would enhance transparency, diversity and capability, helping to ensure the Council remains representative of the community it serves and appropriately equipped to enable ANU to fulfil its national mission. More broadly, the proposed changes align with the Threshold Standards, which require governing bodies to maintain an appropriate mix of expertise, experience, independence and perspectives to discharge their responsibilities effectively.

4. What changes to the ANU Act could strengthen the ministerial appointments process?

The University is broadly supportive of the proposed changes. Strengthening the ministerial appointments process in the ANU Act would support expectations of university governance, transparency and accountability, and aligns with recommendations arising from earlier reviews of the Act.

In particular, ANU supports amendments that provide for the full Council to appoint members of the Nominations Committee, require a transparent and merit-based nominations process, and utilise a publicly available skills matrix to inform recommendations. These proposed changes reflect recent Council practice and the University's commitment to appointments processes informed by merit, transparency and a Council skills matrix. Specific details of these commitments, which are currently being implemented, are provided in Attachment A.

Regarding the proposal to provide the Minister with more than one recommendation for any ministerially appointed vacancy, ANU considers that the other proposed amendments would do more to strengthen the independence, robustness and credibility of the nominations process while reinforcing confidence in the objectivity and merit-based nature of appointments.

The University considers that the Chair of the Nominations Committee must possess sufficient knowledge of ANU's governance, operating environment and strategic context to lead the Committee's deliberations and effectively assess the skills and attributes required of appointed Council members. Accordingly, the University does not support a requirement for an independent Chair, and notes the significant role and value of independent members as part of the Committee's composition. While Finance and Audit and Risk Committees should be – and now are – chaired by independent members, the function of the Nominations Committee requires deep knowledge of the University's needs and position, and the intensive selection process for the Chancellor should provide confidence in that office.

Overall, ANU supports reforms that strengthen the transparency, integrity and merit-based nature of the appointments process, while maintaining arrangements that enable the Nominations Committee to effectively discharge its responsibilities.

Attachment A: ANU Council Commitments – August 2026

Item	Subject	Action required	Timeframe
1.	Strengthening governance at the University	<u>Governance and Council Strengthening Program</u> 1.1 The University will inform TEQSA of the identity of: (a) a suitably qualified independent expert; or (b) a panel of suitably qualified independent experts, (together, the Independent Expert(s)) which the University intends to engage to undertake a Governance and Council Strengthening Program with the University and its Council. The University will consider any feedback from TEQSA before proceeding to engage the Independent Expert(s). 1.2 The University will provide TEQSA with the terms of reference for the Governance and Council Strengthening Program, which it has developed in collaboration with the Council and the Independent Expert(s). The terms of reference for the Governance and Council Strengthening Program will include reviewing and updating and/or developing as relevant the following deliverables: (a) ANU Strategic Plan; (b) Financial Sustainability Plan; (c) Academic Plan or Academic Strategy; (d) ANU Risk Management Framework; (e) ANU Strategic Risk Register; (f) Organisational Stakeholder Engagement Plan;	18 September 2026 30 October 2026

Item	Subject	Action required	Timeframe
		(g) Council Engagement and Consultation Framework; (h) Council and Council Committee charters and statutes; (i) Council Self-assurance Program, to ensure Council is receiving the necessary reporting to discharge its functions effectively; (j) delegations by the University's Council and its committees, including a program of assurance activities regarding implementation, monitoring, and management of controls for delegations; (k) any recommended changes needed to embed governance reforms within existing and new frameworks, including any desirable amendments to the <i>Australian National University Act 1991</i> (Cth); and (l) the Governance Renewal and Implementation Plan, as referred to in [1.4] below. The University will consider any feedback from TEQSA in finalising the terms of reference for the Governance and Council Strengthening Program.	

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| 1.3 | In delivering the Governance and Council Strengthening Program over a 12-month period, the University will: | November 2026 – November 2027 |
| | <ul style="list-style-type: none"> (a) facilitate attendance by the Independent Expert(s) at the majority of Council meetings for the first 6 months of their engagement, and a selection of Council meetings for the final 6 months of their engagement; (b) schedule opportunities within meetings and separate meetings as needed to review and reflect on Council functioning and ongoing improvement, including feedback shared by the Independent Expert(s); and (c) facilitate attendance by the Independent Expert(s) at Committee meetings, as deemed appropriate by the Independent Expert(s). | |

Governance Renewal and Implementation Plan

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| 1.4 | In parallel to the Governance and Council Strengthening Program, Council will request the University Secretary to lead an integrated Governance Renewal and Implementation Plan , consolidating all governance recommendations into one implementation framework. | November 2026 – November 2027 |
| 1.5 | <p>The Governance Renewal and Implementation Plan will incorporate:</p> <ul style="list-style-type: none"> (a) reviewing Council committee structures; (b) reviewing ANU Statutes and delegation instruments to embed good governance principles; (c) reviewing Council information and reporting practices; (d) reviewing conflict-of-interest management; (e) strengthening complaints and whistleblower oversight, with regular quarterly reports to Council; (f) strengthening mechanisms for Council oversight of organisational culture; | |

Item	Subject	Action required	Timeframe
		(g) establishing clearer accountability for implementation of strategic initiatives;	
		(h) implementing revised governance policies;	
		(i) implementing enhanced governance training for Council members;	
		(j) reviewing executive performance and accountability frameworks;	
		(k) implementing improved reporting against strategic and cultural indicators;	
		(l) reviewing arrangements for major institutional change programs to ensure appropriate governance oversight;	
		(m) reviewing the operation of the Nominations Committee and the effectiveness of the Council appointments process (refer to [4.3] below);	
		(n) establishing a baseline of suitable metrics against which to measure intended outcomes of the Governance and Council Strengthening Program and Governance Renewal and Implementation Plan; and	
		(o) implementing any recommendations arising from the Governance and Council Strengthening Program.	

1.6	The University will engage the Independent Expert(s) to review and report to Council on:	November 2026 – November 2027
	(a) the status of and progress with implementing the actions in the Governance Renewal and Implementation Plan;	• First progress report to TEQSA: 31 March 2027
	(b) effectiveness (including against metrics established referred to [1.5(n)]);	
	(c) remaining governance risks; and	• Second progress report TEQSA: 30 July 2027
	(d) consistency with contemporary university governance standards.	
	<u>Reporting to TEQSA</u>	
1.7	The University will provide progress reports to TEQSA at 4-monthly intervals over the 12 months of delivery of the Governance and Council Strengthening Program and implementation of the Governance Renewal and Implementation Plan. The progress reports will:	• Third report to TEQSA: 30 November 2027
	(a) be jointly signed by the Chancellor and Independent Expert(s);	
	(b) set out the University's progress against the actions detailed in the terms of reference for the Governance and Council Strengthening Program and the actions in the Governance Renewal and Implementation Plan;	
	(c) set out any identified challenges to timely delivery of the program and plan, specific actions to address the challenges, and the timeline for each action; and	
	(d) set out an explanation of any deliverables and actions completed at the time of reporting.	
1.8	The University will notify TEQSA promptly of any significant governance developments materially affecting implementation.	

Item	Subject	Action required		Timeframe
2.	Strengthening integrity in leadership at the University	2.1	To strengthen integrity in the leadership of the University, the University will over a 12-month period: (a) undertake a review and update its Declaration of Interest Policy, registers, procedures and relevant controls for Council, University executives and staff, with reference to giving the University assurance of effective management of conflicts whether they: (i) arise from personal, financial or other interests, or family, business, personal, or other relationships; (ii) are real or apparent. (b) with support of a person with relevant expertise that is independent of the University, establish annual training for the ANU Executive Committee and all members of Council on integrity, covering: lawful and ethical conduct, fraud, corruption, public interest disclosures and the management of conflicts of interest; (c) incorporate into the University's work in response to the Nixon Review a program of work to support a 'speak up' culture that ensures staff and students feel safe reporting wrongdoing, raising concerns, and contributing feedback without fear of reprisal; (d) establish processes for the University to have assurance that all members of Council and the ANU Executive Committee comply with declaration of interest and conflict of interest policies and procedures; (e) publish the private interest declarations of the ANU Executive Committee on the University website and ensure that all declarations are updated at least annually;	November 2026 – November 2027 • First progress report to TEQSA: 31 March 2027 • Second progress report TEQSA: 30 July 2027 • Third report to TEQSA: 30 November 2027

Item	Subject	Action required	Timeframe
		(f) establish processes for the University to have assurance that: (i) all University management, academic and professional staff have made private interest declarations and that these are properly stored, managed and accessible; and (ii) arrangements have been made between the appropriate manager and staff member to manage the conflict, and the arrangements are recorded with the declarations; (g) develop or update guidelines on managing conflicts of interest, including the 'Paid Outside Work – the 52-day rule'; (h) provide progress reports to TEQSA at 4-monthly intervals over the 12 months of the actions taken to strengthen integrity in the leadership of the University.	
3.	Induction and training of Council Members	3.1 To support members of Council in discharging their duties effectively, the University will over a 12-month period: (a) ensure each new Council member completes a comprehensive and timely induction that meets their needs, accounting for their experience and knowledge. This induction will include, but not be limited to, information about the University's legislative and governance framework as it applies to the work of the Council; (b) ensure Council members are undertaking annual training which covers the role of Council, the responsibilities and expectations of Council members and appropriate behaviours for Council members and their obligations under the <i>Public Governance, Performance and Accountability Act 2013</i> (Cth) (PGPA Act);	November 2026 – November 2027 - First progress report to TEQSA: 31 March 2027 - Second progress report TEQSA: 30 July 2027

Item	Subject	Action required		Timeframe
		(c)	deliver and embed within the University's policies and procedures an ongoing development program for all Council members to ensure their knowledge and understanding to perform their role is sufficient and up to date, including in relation to:	Third report to TEQSA: 30 November 2027
		(i)	relevant developments in higher education; and	
		(ii)	changes in governance expectations and regulatory requirements;	
		(d)	provide progress reports to TEQSA at 4-monthly intervals over the 12 months of the actions taken to support members of Council in discharging their duties effectively.	
4.	Strengthening the composition and operation of the Nominations Committee	4.1	The University will review the governance framework for the Nominations Committee. The review will consider:	November 2026 – November 2027
		(a)	initial short-term membership of up to six months to independently progress urgent appointments to Council and its committees;	First progress report to TEQSA: 31 March 2027
		(b)	the Charter of the Nominations Committee, including the longer-term composition of the Nominations Committee to ensure:	Second progress report TEQSA: 30 July 2027
		(i)	management of actual, potential and perceived conflicts of interest;	
		(ii)	diversity of skills, experience and backgrounds, with a focus on balancing wisdom and experience, independence, gender, Indigenous representation, and representation by staff and students;	Third report to TEQSA: 30 November 2027
		(iii)	the ability of the Nominations Committee to supplement the committee membership as needed with specialist expert skills to inform relevant recruitments;	

Item	Subject	Action required	Timeframe
		(c) the Council Skills Matrix, to ensure that: (i) it identifies the collective capabilities required for effective governance; and (ii) takes into account: governance expertise; higher education sector experience; research and/or education leadership; financial and commercial expertise; public administration; legal and regulatory expertise; Indigenous knowledge and perspectives; risk management; organisational transformation; guidance from the Australian Institute of Company Directors; the report of the Expert Panel on University Governance (2025); and diversity of experience and background; (d) establishing recruitment and selection principles for recruitment of the Chancellor, Pro-Chancellor, Vice-Chancellor and Deputy Vice-Chancellors, which reflect the following: (i) an open and merit-based search process; (ii) appointments are based on a skills and capabilities matrix and selection criteria; (iii) processes are transparent while protecting the confidentiality of applicants; (iv) processes are open – for appointments of greater than 6 months, there is a public call for expressions of interest, to ensure a broad range of interested candidates can be considered; (v) independent persons who have relevant expertise and experience are included in the Nominations Committee;	

Item	Subject	Action required	Timeframe
		(vi) consultation with University staff and students helps inform relevant selection criteria and processes; and (vii) declarations of potential conflicts of interest are provided by all candidates as part of the application and selection process.	
		4.2 The University will publish: (a) the Charter of the Nominations Committee; (b) the Council Skills Matrix; and (c) the recruitment and selection principles.	
		4.3 The University will, as part of the broader Governance Renewal and Implementation Plan (see [1.5(m)] above), request the Independent Expert(s) to review the operation of the Nominations Committee and the effectiveness of the Council appointments process.	
5.	Recruitment of members to Council	5.1 Where vacancies arise that need to be filled using s 10(1)(q) of the <i>Australian National University Act 1991</i> (Cth), the Nominations Committee will undertake a process consistent with the recruitment and selection principles in [4.1(c)], which will include: (a) public expressions of interest; (b) targeted executive search; (c) consultation with relevant stakeholders; (d) identification of outstanding potential candidates from diverse backgrounds, capable of strengthening the overall capability of the Council, rather than representing particular constituencies or interests;	November 2026 – November 2027 • First progress report to TEQSA: 31 March 2027 • Second progress report TEQSA: 30 July 2027

Item	Subject	Action required	Timeframe
		(e) assessment of candidates against the Council Skills Matrix and published selection criteria, including consideration of: independence; integrity; collegiality and evidence of working with diversity of thought; contribution to diversity of skills and perspectives; and capacity to contribute to the University's strategic direction; (f) appropriate due diligence and conflict of interest assessments.	• Third report to TEQSA: 30 November 2027
		5.2 The Nominations Committee will provide Council with a written report setting out: (a) the recruitment process undertaken; (b) the assessment methodology; (c) the reasons why the recommended candidate or candidates best satisfy the Council Skills Matrix and published criteria.	
		5.3 The University will publish a summary of the nomination process following each appointment by the Minister on the recommendation of the Nominations Committee under section 10(1)(q) of the <i>Australian National University Act 1991</i> (Cth), while respecting the confidentiality of applicants and nominees.	
6.	Recruitment of the Vice-Chancellor	6.1 The Council will establish a transparent and diverse Vice-Chancellor Search and Selection Panel, with published terms of reference, to manage the recruitment process and make a recommendation to Council for the appointment of the next Vice-Chancellor of the University. The Panel will: (a) be chaired by ANU's new Chancellor; (b) of the other members, include: (i) half of whom are drawn from Council, staff and/or student representation;	November 2026 – November 2027 • First progress report to TEQSA: 31 March 2027

Item	Subject	Action required	Timeframe
		(ii) half of whom are independent of the University, with recognised expertise in university governance, research-intensive universities, executive recruitment and organisational leadership;	• Second progress report TEQSA: 30 July 2027
		(c) be delegated authority to obtain external expertise as considered necessary or appropriate.	• Third report to TEQSA: 30 November 2027
6.2	The Panel will develop:	(a) a detailed position description and leadership profile following consultation with: Council; Academic Board; staff representatives; student representatives; and relevant external stakeholders;	
		(b) the selection criteria, having regard to:	
		(i) the findings of the Nixon Review;	
		(ii) Council's response to the Thom investigation;	
		(iii) relevant recommendations of the Australian Government Expert Panel on University Governance;	
		(iv) TEQSA's guidance regarding effective institutional governance; and	
		(v) the strategic direction of the University.	
6.3	The Panel will appoint an executive search firm through an appropriate procurement process. The search process will include: open and transparent public call for expressions of interest; an international recruitment campaign; active identification of outstanding candidates; comprehensive due diligence; conflict-of-interest management procedures; and appropriate confidentiality arrangements.		

Item	Subject	Action required	Timeframe
6.4		The Panel will undertake a process consistent with the recruitment and selection principles in [4.1(c)], including candidates being assessed against published criteria including demonstrated ability in: academic leadership; leadership of major research-intensive universities or comparable institutions; financial stewardship; governance; organisational culture; integrity and ethical leadership; engagement with governments and external stakeholders; and commitment to academic freedom and institutional autonomy.	
6.5		The Panel will obtain independent referee reports and undertake probity checks as part of the assessment process.	
6.6		The Panel will provide Council with a written report setting out: (a) the recruitment process undertaken; (b) the assessment methodology; (c) the reasons why the recommended candidate best satisfies the published criteria.	
6.7		The University will publish a summary of the recruitment process following the appointment of the next Vice-Chancellor by the Council under section 34(1) of the <i>Australian National University Act 1991</i> (Cth), while respecting the confidentiality of applicants and nominees.	

End of submission